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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/388,334

09/01/99

COONAN

G

STINGER-UTIL

PM82/0614

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EXAMINER

NOVOSAD, J

ART UNIT

PAPER NUMBER

3634

DATE MAILED:

06/14/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/388,334	Applicant(s) COONAN ET AL.	
	Examiner Jennifer E. Novosad	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5-8-01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- | | |
|---|--|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 20) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Prosecution Application

The request filed on May 8, 2001 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/388,334 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 9, 6, 10, 12, 13, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Eitel '213.

Eitel '213 discloses a vertically adjustable mobile workstation comprising a base (12 and 16) having a plurality of rotatable members, i.e., four wheels, attached to the base; a first arm (33) having a lower end and an upper end (at 37) whereby a platform (36) is attached thereto and a wireless transceiver (65) is attached to the platform and to the base (66); a second arm (29) having an upper end (at 26) that is hingedly attached to the lower end of the first arm and a lower end (at 31) that is attached to the base, whereby a stop mechanism (at 34) is operably coupled between the first (33) and second arms (29); a line passing through the upper and lower ends of the second arm (29) is disposed at an acute angle relative to a line passing through the center of

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the base (at 31) and the first arm (33) being rotatable between a first position (solid line in Figure 1) and a second position (dotted line in Figure 1); and the platform is movable between first and second angles which are dependent on the movement of the first arm. It is noted that the controls (56 and 57) are considered to define the input devices and the antenna (65) is considered to define the output device (see claim 10).

Claims 1, 3-5, 7, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Markin *et al.* '522.

Markin *et al.* '522 disclose a vertically adjustable mobile workstation comprising a base (12) having a plurality of rotatable members (20) attached to the base; a first arm (38) having a lower end and an upper end whereby a platform (50) is attached thereto; a security panel (see Figure 10) partially covering the devices (below 60a and 60); a second arm (30) having an upper end (at 39) that is hingedly attached to the lower end of the first arm and a lower end that is attached to the base, whereby a stop mechanism (at 39) is operably coupled between the first (38) and second arms (30) and a neutral stop mechanism (40) is coupled *between* the arms; a line passing through the upper and lower ends of the second arm (30) is disposed at an acute angle relative to a line passing through the center of the base and the first arm (38) being rotatable between a first position and a second position; and the platform (50) has a hinged support (see Figure 11) movable between different angles.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eitel '213, alone.

Eitel '213 discloses the workstation as advanced above.

The claim differs from Eitel '213 in requiring a battery pack compartment attached to the platform.

Although Eitel '213 does not disclose a battery pack compartment attached to the platform, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a compartment on the platform for carrying batteries for assisting in repairing loss of power to the receiver.

Claims 10-12, 16, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Markin *et al.* '522 in view of Eitel '213.

Markin *et al.* '522 discloses the workstation as advanced above.

The claims differ from Markin *et al.* '522 in requiring: (1) a computer input and output device (see claims 10 and 17), (2) more than four wheels (see claim 18), and (3) a wireless transceiver attached to the base.

Eitel '213 teaches the workstation as advanced above.

With respect to (1) and (3), it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the workstation of Markin *et al.* '522 with an input *and* output device and a wireless transceiver, for ease in use and increased capability of the station.

With respect to (2), although Markin *et al.* '522 disclose only three wheels, it would have been an obvious engineering design choice to one of ordinary skill in the art at the time the invention was made to have provided the workstation with more than four wheels, for increased stability and support of the workstation by providing greater load distribution.

Response to Arguments

Applicant's arguments with respect to claims 1, 3-9, 10-16, and 17-20 have been considered but are moot in view of the new ground(s) of rejection.

DS However, with respect to the new grounds of rejection, it should be noted that the law of anticipation only requires that the claims "read on" something ^{disclosed} ~~discloses~~ in the reference, i.e., all limitations of the claims are found in the reference. As advanced above, it is clear that applicant's workstation, as claimed, is fully met by the applied references.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer E. Novosad whose telephone number is (703)-305-2872. The examiner can normally be reached on Monday-Thursday, 6:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703)-308-2686. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-305-3597 for regular communications and (703)-305-3597 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1113.

Jennifer E. Novosad/jen
June 7, 2001

A handwritten signature in cursive script that reads "Daniel P. Stodola". The signature is written in dark ink and is positioned above the printed name and title.

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600